IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 10252 of 1995

Between:

Range Officer Plantation Cell, Osman Sagar Section
Hyderabad Metro Water Supply & Sewerage Board Hydreabad.

..... PETITIONER

AND

1 D. Laxmi Narayana c/o Md. Ghouse
r/o 6-3-1241/161, Opp. Raj Bhavan
Maquta Madersab, Hyderabad
2 Labour Court-III Hyderabad Dist.
Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially one in the nature of writ of Mandamus and set a side award dt. 16-7-1994 passed in I.D.No.642/1993 on the file of the respondent No.2 published in Gazette G.O.RT.NO.479 dt.23/10/1994 as illegal, void and without jurisdiction besides contrary to provisions of the Industrial Disputes Act.

Counsel for the Petitioner: MR.L.PRABHAKAR REDDY

Counsel for the Respondent No.2: GP FOR LABOUR

Counsel for the Respondent No.1: None Appeared

The Court made the following:

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ORAL ORDER:

The Writ Petition is filed challenging the award passed by the 2nd respondent-Labour Court III, Hyderabad, in I.D.No.62 of 1993, dated 16-7-1994.

2. The first respondent filed an application under Section 2A(2) of (A.P. Amendment Act 32 of 87) of I.D. Act, 1947, (for short the Act) alleging that his services were terminated illegally with effect from 21-8-1991. The Management resisted the matter. It was the contention of the Management that he was employed only for plantation purpose and that too for a very limited period and therefore he does not get the protection under Section 25F of the Act nor can he be reinstated into service as a seasonal employee. However, the Labour Court passed an award holding that the discharge of the employee was without compliance of the provisions of Section 25F of the Act and therefore it is illegal and consequently directed the Management to take back the workman in the Plantation Cell as a seasonal worker. The said award came to be challenged in this writ petition.

3. The learned counsel for the petitioner-Management submits that the award of the Tribunal is wholly illegal and not sustainable in law. The 1st respondent was engaged only for plantation purpose and that too for a very limited period. In such a situation, it is incumbent on the part of the 2nd respondent to record a finding whether the provisions of Chapter V-A will apply, and, if so, whether there was any illegal termination of the services of the employee and these aspects have not been considered by the Labour Court while dealing with the matter.

4. In view of the above submissions, I am of the considered view that the matter requires reconsideration in the hands of the 2nd respondent. Accordingly, the

impugned award is set aside and the matter is remitted back to the Labour Court-2nd respondent for fresh consideration in accordance with law within 4 months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

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(G. BIKSHAPATHY, J.)

24-09-2004

ES

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Presiding Officer, Labour Court-III, Hyderabad Dist.
Hyderabad.

2. Two CCs for Government Pleader for Labour, High Court Buildings, Hyderabad (OUT).

3. 2CD copies.